

ASSEMBLY BILL

No. 1654

Introduced by Assembly Member Bonilla

February 11, 2014

An act to amend Section 17504 of the Family Code, and to amend 11475.3 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1654, as introduced, Bonilla. CalWORKs: assignment of child support.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families. Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

Under existing law, a recipient of CalWORKs aid is required to assign to the county any rights to support from any other person that the recipient may have, on his or her behalf, or on behalf of any other family member for whom the recipient is receiving aid, not exceeding the total amount of CalWORKs cash assistance provided to the family. Existing law also requires the first \$50 of any amount of child support collected in a month in payment of the required support obligation for that month to be paid to a recipient of CalWORKs aid, and prohibits this amount from being considered income or resources of the recipient family or

being deducted from the amount of aid to which the family would otherwise be eligible.

This bill would increase that amount to \$100 for a family with one child and \$200 for a family with 2 or more children, or a greater amount if authorized by federal law. Because each county is required to pay for a share of CalWORKs aid grant costs, the bill would impose a state-mandated local program. The bill would also provide that no appropriation would be made for purposes of the bill pursuant to the provision continuously appropriating funds for the CalWORKs program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to increase
2 payments of child support obligations, improve the health and
3 well-being of low-income children in single-parent homes, and to
4 strengthen family unity by authorizing the maximum amount of
5 child support permitted under federal law to be passed through to
6 children who receive CalWORKs basic needs assistance.
7 SEC. 2. Section 17504 of the Family Code is amended to read:
8 17504. The first ~~fifty dollars (\$50)~~ *one hundred dollars (\$100)*
9 of any amount of child support collected in a month *for a family*
10 *with one child, or two hundred dollars (\$200) for a family with*
11 *two or more children*, in payment of the required support obligation
12 for that month shall be paid to a recipient of aid under Article 2
13 (commencing with Section 11250) of Chapter 2 of Part 3 of
14 Division 9 of the Welfare and Institutions Code, ~~except recipients~~
15 ~~of foster care payments under Article 5 (commencing with Section~~
16 ~~11400) of Chapter 2 of Part 3 of Division 9 of the Welfare and~~
17 ~~Institutions Code unless Section 657(a)(6) of Title 42 of the United~~
18 ~~States Code, or a similar federal law, specifies a greater amount,~~
19 *in which case the amount specified in federal law shall be paid to*

1 *the recipient. Child support shall not be considered income or*
2 *resources of the recipient family, and shall not or be deducted from*
3 *the amount of aid to which the family would otherwise be eligible.*
4 *The local child support agency in each county shall ensure that*
5 *payments are made to recipients as required by this section. This*
6 *section does not apply to recipients of foster care payments under*
7 *Article 5 (commencing with Section 11400) of Chapter 2 of Part*
8 *3 of Division 9 of the Welfare and Institutions Code.*

9 SEC. 3. Section 11475.3 of the Welfare and Institutions Code
10 is amended to read:

11 11475.3. ~~The first fifty dollars (\$50)~~ *one hundred dollars*
12 *(\$100) of any amount of child support collected in a month for a*
13 *family with one child, or two hundred dollars (\$200) for a family*
14 *with two or more children, in payment of the required support*
15 *obligation for that month shall be paid to a recipient of aid under*
16 *this chapter, except recipients of foster care payments under Article*
17 *5 (commencing with Section 11400) unless Section 657(a)(6) of*
18 *Title 42 of the United States Code, or a similar federal law,*
19 *specifies a greater amount, in which case the amount specified in*
20 *federal law shall be paid to the recipient. Child support shall not*
21 *be considered income or resources of the recipient family, and*
22 *shall not or be deducted from the amount of aid to which the family*
23 *would otherwise be eligible. The local child support agency in*
24 *each county shall ensure that payments are made to recipients as*
25 *required by this section. This section does not apply to recipients*
26 *of foster care payments under Article 5 (commencing with Section*
27 *11400) of Chapter 2 of Part 3 of Division 9 of the Welfare and*
28 *Institutions Code.*

29 SEC. 4. No appropriation pursuant to Section 15200 of the
30 Welfare and Institutions Code shall be made for purposes of
31 implementing this act.

32 SEC. 5. If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.